STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULES CHANGES

The Rules Committee has submitted its Two Hundred and Twenty-Sixth Report to the Supreme Court of Maryland, transmitting thereby proposed amendments to Rules 2-327 and 16-302 of the Maryland Rules of Procedure.

The Committee's Two Hundred and Twenty-Sixth Report and the proposed Rules changes are set forth below.

Interested persons are asked to consider the Committee's Report and proposed Rules changes and to forward on or before December 1, 2025 any written comments they may wish to make to rules@mdcourts.gov or:

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**THE SUPREME COURT OF MARYLAND**
**STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

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October 31, 2025

The Honorable Matthew J. Fader,
Chief Justice
The Honorable Shirley M. Watts
The Honorable Brynja M. Booth
The Honorable Jonathan Biran
The Honorable Steven B. Gould
The Honorable Angela M. Eaves
The Honorable Peter K. Killough,
Justices

The Supreme Court of Maryland
Robert C. Murphy Courts of Appeal Building
Annapolis, Maryland 21401

Honorable Justices:

The Rules Committee submits this, its Two Hundred and Twenty-Sixth Report, and recommends that the Court adopt the proposed amendments to two existing Rules submitted in this Report.

## Child Victims Act

The Child Victims Act of 2023 (Chapters 5/6, 2023 Laws of Maryland (SB 686/HB 1) (the "CVA"), in removing any statute of limitations that might bar recovery, opened the door for child sexual abuse victims, who otherwise had no remedy, to seek compensation. As anticipated, the legislation resulted in an influx of cases being filed. In 2025, the General Assembly enacted Chapter 104, 2025 Laws of Maryland (HB 1378), with a view to prospectively limit recovery for claims, including those made under the Maryland Tort Claims Act or the Local Government Tort Claims Act.

At request of the Chief Justice of the Supreme Court, the Committee considered whether new Rules should be implemented or existing Rules amended to assist the courts not only in managing the large influx of CVA cases filed prior to the June 1, 2025 effective date of the new legislation, but also to provide a framework for future instances where a large number of cases inundates courts, whether the cases are filed in a single jurisdiction, or, as has resulted from the new CVA legislation, whether similar or substantially similar cases are filed in multiple jurisdictions. As it considered the issue, the Committee was advised that approximately 1,680 CVA cases had been filed statewide, and that, within those cases, there were at least 5,000 unique plaintiffs.

A special subcommittee was convened; in May 2025, it held a listening session and received information from stakeholders and judges. Additionally, based on his experience with Baltimore City's asbestos docket (a mass tort docket), and given his history as a former member of the Committee, the Committee solicited the assistance of Senior Judge Michel W. Pierson. Various stakeholders shared the view that no new Rules or amendments to current Rules are necessary, as both the stakeholders and the courts are capable of managing their dockets. As an example, some shared that they already had meetings with designated judges and other counsel in an effort to create systems for case management. Indeed, some stakeholders advised that their cases were already underway in some jurisdictions, and that any action taken by the Committee and the Court would only serve to delay their clients' cases, particularly if the cases were all transferred to one jurisdiction or if one or more courts decided to take test cases (such as has occurred in federal multi-district litigation cases), rather than advance each case.

After several meetings, the special subcommittee recommended amendments to Rules 2-327 and 16-302. As proposed, the amendments to Rule 2-327 outline the procedures for case consolidation that will allow courts to address pretrial matters and consolidated trials. The proposed amendments would allow administrative judges to maintain control over their dockets while working cooperatively with other courts.

Proposed amendments to Rule 16-302 would allow for the Chief Justice of the Supreme Court to appoint a special magistrate who would be charged with identifying cases that may be appropriate for consolidation and who, subject to approval of the Chief Justice, and in consultation with administrative judges, would have license to develop one or more consolidated case management plans for the litigation.

**Rule 2-327**

The Committee recommends amending Rule 2-327 (d)(1) to clarify that section (d) ("Actions Involving Common Questions of Law or Fact") does not

apply to cases for which the Chief Justice has appointed a case management special magistrate to develop and implement a consolidated case management plan.

The Committee also recommends amending subsection (d)(2) to make clear that when cases that involve one or more common questions of law or fact are pending in more than one circuit court, including courts within the same judicial circuit, administrative judges may consolidate actions, or any claims or issues in the actions, for either pretrial proceedings or for a consolidated trial.

The Committee recommends amending subsection (d)(3) to clarify that transfer of an action, claim, or issue may be initiated by motion, or on the transferor court's own initiative. Where a transferor court acts *sua sponte*, parties will have an opportunity to show cause why the action should not be taken. The provisions in current subsection (d)(3) concerning a hearing are deleted, and proposed new subsection (d)(4) mandates a hearing if a party makes a timely hearing request.

Proposed amendments to subsection (d)(5) clarify that the court must make findings on the record or in writing. Specifically, in making its determination, the administrative judge of the transferor court must determine whether there exist common questions of law and fact, whether the transferee court is a court where the action may have been brought, and whether a similar action is pending in the transferee court, as set forth in subsection (d)(2). Additionally, before making the transfer, the administrative judge must find that the transfer will promote the just and efficient conduct of the actions, claims, or issues, and that the parties and witnesses will not suffer prejudice or undue inconvenience. Finally, the administrative judge must find that the receiving court will accept the transfer. The court's findings, whether or not a transfer is granted, must be documented in a written order pursuant to subsection (d)(6).

Subsection (d)(7) sets forth the procedure when proceedings in the transferee court are completed, and subsection (d)(8) renders rulings and orders entered in the transferee court binding on both the transferor and transferee courts.

**Rule 16-302**

The Committee proposes amending Rule 16-302 by adding new section (d) to allow for the appointment of a case management special magistrate to address cases that may be appropriate for consolidation.

The proposed amendment to section (a) would allow for an exception to the county administrative judge's authority to supervise and manage cases, including case management plans.

Proposed new subsection (d)(1) allows for appointment of one or more case management special magistrates who will develop and implement consolidated case management plans to address cases that are pending in multiple circuit courts, provided those cases would benefit from such a plan.

Proposed subsection (d)(2) places upon the special magistrate the onus to consult with affected administrative judges, and to develop one or more plans that would be subject to the Chief Justice's review and approval.

Proposed subsection (d)(3) sets forth examples of subjects that may be included in a case management plan. The Committee note following subsection (d)(3)(D) clarifies that the special magistrate's plan may call for, *inter alia*, coordination of discovery among actions pending in multiple jurisdictions, standardization of discovery requests, and joint noticing of single depositions for common witnesses.

Proposed subsection (d)(4) requires the Chief Justice to approve any proposed plan. Upon implementation, cases subject to the plan are no longer governed by the circuit court's otherwise applicable case management plan.

Proposed subsection (d)(5) permits the Chief Justice to terminate a case management plan *sua sponte*, or upon the special magistrate's recommendation. Likewise, the Chief Justice may terminate the special magistrate's appointment.

For the further guidance of the Court and the public, following the proposed amendments to each existing Rule is a Reporter's note describing in further detail the reasons for the proposals. We caution that the Reporter's notes are not part of the Rules, have not been debated or approved by the Committee, and are not to be regarded as any kind of official comment or interpretation. They are included solely to assist the Court in understanding some of the reasons for the proposed changes.

Respectfully Submitted,

/ s /

Yvette M. Bryant
Chair

cc: Hon. Douglas R. M. Nazarian, Vice Chair
Greg Hilton, Clerk

# Rule 2-327

MARYLAND RULES OF PROCEDURE

TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT

CHAPTER 300 – PLEADINGS AND MOTIONS

AMEND Rule 2-327 by adding new subsection (d)(1) pertaining to the applicability of section (d), by replacing the phrase "more than one judicial circuit" with the phrase "more than one circuit court" in subsection (d)(2), by adding "for consolidated" to subsection (d)(2), by replacing the word "proceedings" with the phrase "pretrial proceedings or for consolidated trial" in subsection (d)(3), and by making stylistic changes to section (d), as follows:

Rule 2-327. TRANSFER OF ACTION

(a) Transfer to District Court

(1) If Circuit Court Lacks Jurisdiction

If an action within the exclusive jurisdiction of the District Court is filed in the circuit court but the court determines that in the interest of justice the action should not be dismissed, the court may transfer the action to the District Court sitting in the same county.

Cross reference: See Rule 3-101 (c) concerning complaints that are timely filed in the circuit court and dismissed for lack of subject matter jurisdiction.

(2) If Circuit Court Has Jurisdiction—Generally

Except as otherwise provided in subsection (a)(3) of this Rule, the court may transfer an action within its jurisdiction to the District Court sitting in the same county if all parties to the action (A) consent to the transfer, (B) waive any

right to a jury trial they currently may have and any right they may have to a jury trial following transfer to the District Court, including on appeal from any judgment entered, and (C) make any amendments to the pleadings necessary to bring the action within the jurisdiction of the District Court.

(3) If Circuit Court Has Jurisdiction—Domestic Violence Actions

(A) In an action under Code, Family Law Article, Title 4, Subtitle 5, after entering a temporary protective order, a circuit court, on motion or on its own initiative, may transfer the action to the District Court for the final protective order hearing if, after inquiry, the court finds that (i) there is no other action between the parties pending in the circuit court, (ii) the respondent has sought relief under Code, Family Law Article, Title 4, Subtitle 5, in the District Court, and (iii) in the interests of justice, the action should be heard in the District Court.

(B) In determining whether a hearing in the District Court is in the interests of justice, the court shall consider (i) the safety of each person eligible for relief, (ii) the convenience of the parties, (iii) the pendency of other actions involving the parties or children of the parties in one of the courts, (iv) whether a transfer will result in undue delay, (v) the services that may be available in or through each court, and (vi) the efficient operation of the courts.

(C) The consent of the parties is not required for a transfer under this subsection.

(D) After the action is transferred, the District Court has jurisdiction for the purposes of enforcing and extending the temporary protective order as allowed

by law.

Cross reference: See Code, Family Law Article, § 4-505(c) concerning the duration and extension of a temporary protective order.

(b) Improper Venue

If a court sustains a defense of improper venue but determines that in the interest of justice the action should not be dismissed, it may transfer the action to any county in which it could have been brought.

(c) Convenience of the Parties and Witnesses

On motion of any party, the court may transfer any action to any other circuit court where the action might have been brought if the transfer is for the convenience of the parties and witnesses and serves the interests of justice.

(d) Actions Involving Common Questions of Law or Fact

(1) Applicability

Section (d) of this Rule does not apply to an action governed by a consolidated case management plan established pursuant to Rule 16-302 (d), except as otherwise provided by an order of the case management special magistrate appointed by the Chief Justice of the Supreme Court to develop and implement the plan.

(2) Generally

If civil actions involving one or more common questions of law or fact are pending in more than one ~~judicial~~ circuit court, ~~the actions~~ an action or any ~~claims~~ claim or ~~issues~~ issue in the ~~actions~~ action may be transferred in accordance with this section for consolidated pretrial proceedings or for consolidated trial to a circuit court in which (A) the ~~actions~~ action to be

transferred might have been brought, and (B) a similar ~~actions are~~ action is pending.

~~(2)~~(3) On Motion or on Initiative of Transferor Court

A transfer of an action, claim, or issue under this section may be made on motion of a party or on the transferor court's own initiative. ~~When~~ If a transfer is being considered on the court's own initiative, the circuit administrative judge having administrative authority over the transferor court shall enter an order directing the parties to show cause on or before a date specified in the order why the action, claim, or issue should not be transferred for consolidated ~~proceedings~~ pretrial proceedings or for consolidated trial. ~~Whether the issue arises from a motion or a show cause order, on the written request of any party the circuit administrative judge shall conduct a hearing.~~

(4) Hearing

Upon written request of a party filed within the time for filing a response to the motion or show cause order, as applicable, the circuit administrative judge having administrative authority over the transferor court shall hold a hearing.

~~(3)~~(5) Findings; Acceptance of Transfer

A transfer under this section ~~shall~~ may not be made except upon (A) a finding in writing or on the record by the circuit administrative judge having administrative authority over the transferor court that the requirements of subsection ~~(d)(1)~~ (d)(2) of this Rule are satisfied and that the transfer will promote the just and efficient conduct of the actions, claims, or issues to be

consolidated and not prejudice or unduly inconvenience the parties and witnesses in the actions subject to the proposed transfer; and (B) acceptance of the transfer by the circuit administrative judge having administrative authority over the court to which the ~~actions~~ action, ~~claims~~ claim, or ~~issues~~ issue will be transferred.

~~(4)~~(6) Order

~~The~~ An order granting or denying the transfer shall be ~~pursuant to an order~~ entered by the circuit administrative judge having administrative authority over the transferor court. ~~The~~ An order of transfer shall specify (A) the basis for the judge's ~~finding~~ findings under subsection ~~(d)(3)~~ (d)(5) of this Rule, (B) ~~the actions~~ each action subject to the order, (C) whether the entire action is transferred, and, if not, ~~which claims~~ each claim or ~~issues are being~~ issue that is transferred, (D) the effective date of the transfer, (E) ~~the nature of the proceedings to be conducted by the transferee court~~ whether the transfer is for consolidated pretrial proceedings, consolidated trial, or both, (F) the ~~papers, or copies thereof,~~ documents to be transferred, and (G) any other provisions deemed necessary or desirable to implement the transfer. The transferor court may amend the order from time to time as justice requires.

(7) Procedure upon Conclusion of Proceedings in the Transferee Court

(A) If, at the conclusion of proceedings in the transferee court pursuant to the order of transfer, the transferred action has been terminated by entry of judgment, ~~it shall not be remanded but~~ the action shall remain in the

transferee court, and the clerk of the transferee court shall notify the clerk of the transferor court of the entry of the judgment.

(B) If, at the conclusion of proceedings in the transferee court pursuant to the order of transfer, the transferred action has not been terminated by entry of judgment and further proceedings are necessary~~,~~:

(i) within 30 days after the entry of an order concluding the proceeding, ~~any~~ a party may file in the transferee court a motion to reconsider or revise any order or ruling entered by the transferee court~~,~~;

(ii) if such a motion is filed, the transferee court shall consider and decide the motion~~,~~; and

(iii) following the expiration of the 30-day period or, if a timely motion for reconsideration is filed, upon disposition of the motion, the circuit administrative judge having administrative authority over the transferee court shall enter an order remanding the action to the transferor court.

(8) Effect of Transferee Court's Rulings and Orders

~~Notwithstanding any other Rule or law, the rulings, decisions,~~ Rulings and orders made or entered by the transferee court ~~shall be~~ are binding upon the transferor and the transferee courts.

Source: This Rule is derived as follows:
Section (a) is derived in part from the last phrase of former Rule 515 a and is in part new.
Section (b) is derived from former Rule 317.
Section (c) is derived from U.S.C. Title 28, § 1404 (a).
Section (d) is new.

REPORTER'S NOTE

The Child Victims Act of 2023 (Chapters 5/6, 2023 Laws of Maryland (SB 686/HB 1)), among other things, removed the statute of limitations and statute of repose in certain civil actions relating to child sexual abuse. This led to a large volume of actions being filed that had been barred by the statute of limitations and the statute of repose, including many claims that were decades old.

Due to the influx of cases under the Child Victims Act of 2023 (the "CVA"), the General Assembly in its 2025 session passed HB 1378, Civil Actions – Child Sexual Abuse (Chapter 104, 2025 Laws of Maryland), which, among other things, "prospectively reduces… the liability limits for previously time-barred child sexual abuse claims under the Maryland Tort Claims Act (MTCA), the Local Government Tort Claims Act (LGTCA), and specified provisions pertaining to local boards of education." The Act also "authorizes the Supreme Court of Maryland to adopt rules to implement the bill's provisions." Fiscal and Policy Note, HB 1378, Enrolled – Revised. This legislation resulted in even more actions being filed under the CVA before the lower liability limits went into effect on June 1, 2025.

The Chief Justice of the Supreme Court has asked the Rules Committee to review Chapter 104 and to consider whether the Maryland Rules should be modified to assist courts with case management functions. The Chair of the Rules Committee formed a Special Subcommittee on Child Victims Act to comply with this request. After several meetings over the summer, including a listening session in May, the Subcommittee proposes revisions to Rule 2-327 to clarify that consolidated trials in addition to consolidated pretrial proceedings are permitted, and to Rule 16-302 to provide for the appointment of a case management special magistrate. These revisions will facilitate the efficient and consistent management of CVA actions in Maryland courts and will provide similar benefits in connection with any future large influx of actions with common issues of law or fact.

Proposed revisions to Rule 2-327 and Rule 16-302 are alternative approaches to the management of cases with common issues of law and fact.

In Rule 2-327, new subsection (d)(1) exempts from section (d) actions subject to a consolidated case management plan established pursuant to section (d) of Rule 16-302.

In subsection (d)(2), the word "judicial" has been deleted and the word "court" has been added so that the provisions of the subsection apply in multiple circuit courts, rather than across judicial circuits. This is to clarify that actions are transferred between circuit courts, which are trial courts, and not judicial circuits, which are organizational units of the judiciary consisting of multiple circuit courts in most cases.

In addition, changes in subsection (d)(2) add the phrase "for consolidated" to modify the word "trial." This is intended to make this provision parallel with the language immediately preceding it concerning pretrial proceedings, which is also modified by the word "consolidated." This clarifies that the provisions of section (d) are intended to permit consolidated pretrial proceedings as well as consolidated trials.

Similar changes are contained in subsection (d)(3), made for the same reasons that changes are made in subsection (d)(2). Specifically, the word "proceedings" is replaced with "pretrial proceedings or consolidated trial."

Changes contained in subsection (d)(4) expand upon and make explicit the requirements for a hearing upon written request of a party, including the timing of the request and that the circuit administrative judge having authority over the transferor court holds the hearing.

Changes contained in subsection (d)(5) add the phrase "in writing or on the record" to specify how a court must document its finding in actions subject to section (d). In addition to "undue inconvenience" as a prohibition against transfer, the prohibition has been expanded to include "prejudice." Subsection (d)(5) formerly only included "actions" but now has been expanded to include "claims and issues" to conform to the revisions proposed in subsection (d)(2) of this Rule. The change from "shall not" to "may not" in this subsection is purely stylistic, for consistency with the style of the Maryland Rules.

Changes contained in subsection (d)(6) are to require entry of an order either granting or denying the transfer. Also, the contents of an order granting transfer are specified.

Changes contained in subsection (d)(7) clarify the procedures that govern the conclusion of proceedings in the transferee court.

Changes contained in subsection (d)(8) restate and clarify existing provisions.

Additionally, numerous stylistic changes are proposed to make the provisions of section (d) consistent with the rest of the Rule.

# Rule 16-302

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 300 – CIRCUIT COURTS – ADMINISTRATION AND CASE MANAGEMENT

AMEND Rule 16-302 by adding new section (d) pertaining to the appointment of a case management special magistrate under certain circumstances and by making stylistic changes, as follows:

Rule 16-302. ASSIGNMENT OF ACTIONS FOR TRIALS; CASE MANAGEMENT PLAN; CASE MANAGEMENT SPECIAL MAGISTRATE

(a) Generally

~~The~~ Subject to section (d) of this Rule, the County Administrative Judge in each county shall supervise the assignment of actions for trial in a manner that maximizes the efficient use of available judicial personnel, brings pending actions to trial, and disposes of them as expeditiously as feasible.

(b) Case Management Plan; Information Report

(1) Development and Implementation

(A) The County Administrative Judge shall develop and, upon approval by the Chief Justice of the Supreme Court, implement a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court. The plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a scheduling category based on that classification and, to the

extent practicable, follow any template established by the Chief Justice of the Supreme Court.

(B) The County Administrative Judge shall send a copy of the plan and all amendments to it to the State Court Administrator. The State Court Administrator shall review the plan or amendments and transmit the plan or amendments, together with any recommended changes, to the Chief Justice of the Supreme Court.

(C) The County Administrative Judge shall monitor the operation of the plan, develop any necessary amendments to it, and, upon approval by the Chief Justice of the Supreme Court, implement the amended plan.

(2) Family Law Actions

(A) The plan shall include appropriate procedures for the granting of emergency relief and expedited case processing in family law actions when there is a credible risk of imminent abduction of a child or a credible prospect of imminent and substantial physical or emotional harm to a child or susceptible or older adult.

Committee note: The intent of ~~this~~ subsection (b)(2) of this Rule is that the case management plan contain procedures for assuring that the court can and will deal immediately with a credible risk of imminent abduction of a child or a credible prospect of imminent and substantial physical or emotional harm to a child or susceptible or older adult, at least to stabilize the situation pending further expedited proceedings. Circumstances requiring expedited processing include threats to imminently terminate services necessary to the physical or mental health or sustenance of the child or susceptible or older adult or the imminent removal of the child or susceptible or older adult from the jurisdiction of the court.

Cross reference: See Code, Estates and Trust Article, § 13-601 for definitions of the terms “older adult” and “susceptible adult.”

(B) In courts that have a family division, the plan shall provide for the implementation of Rule 16-307.

Cross reference: See Rule 9-204 for provisions that may be included in the case management plan concerning an educational seminar for parties in actions in which child support, custody, or visitation are involved.

(3) Guardianship Actions

The plan shall include appropriate procedures for expedited case processing pursuant to Code, Estates and Trusts Article, § 13-705(f) and Rule 10-201 (b) and (f).

Committee note: The intent of subsection (b)(3) of this Rule is that the case management plan contain procedures for non-emergency expedited case processing for guardianships of the person of disabled adults in connection with medical treatment.

(4) Special Immigrant Juvenile Status Matters

The plan shall include appropriate procedures for expedited case processing for petitions and motions for findings or determinations of fact necessary to a grant of Special Immigrant Juvenile Status for the purposes of 8 ~~U.S. Code~~ U.S.C. § 1101(a)(27)(J).

(5) Virtual Jury Trials

In any jurisdiction where the County Administrative Judge deems it appropriate, the plan shall include procedures for the operation of virtual jury trials. The plan shall consider each phase of a trial and the roles of the judge, courtroom clerk, bailiff, jury office, clerk's office, and Information Technology department. The plan for conducting a virtual jury trial shall include:

(A) categories of civil actions eligible for virtual jury trials;

Committee note: Examples of categories that courts may consider eligible for virtual jury trials include motor torts, slip and fall cases, and contract disputes.

(B) criteria to evaluate and determine which cases are appropriate for virtual trials;

Committee note: Examples of criteria to determine a case's suitability for a virtual trial include the number of plaintiffs and defendants, the number of parties that require translation services, and the complexity of legal issues raised.

(C) procedures for summoning jurors;

(D) methods to determine whether prospective jurors have access to technology with which to participate and the ability to participate in a private space;

(E) alternative means, if available, to offer prospective jurors that lack the ability to participate virtually;

Committee note: Alternative means may include providing each juror a technological device to use throughout the virtual proceedings or providing a secluded location, such as a conference room inside the courthouse or other remote location pursuant to Rule 21-102 (g), within which jurors may participate.

(F) exhibits and evidence management;

(G) technical training for bailiffs or other designated court personnel to assist prospective jurors with technical issues during check-in, trial, and deliberations; and

(H) measures to provide public access to virtual trials pursuant to Rule 21-104 (g).

Committee note: The intent of subsection (b)(5) of this Rule is to allow for the possibility of remote electronic participation where appropriate, pursuant to the Seventh Administrative Order Restricting Statewide Judiciary Operations Due

to the COVID-19 Emergency issued by the Chief Judge of the Court of Appeals on December 22, 2020, and any subsequent orders issued by the Court.

Cross reference: See Title 21 of these Rules and Rule 16-309 for provisions that may be included in the case management plan concerning the operation of virtual jury trials.

(6) Consultation

In developing, monitoring, and implementing the case management plan, the County Administrative Judge shall (A) consult with the Administrative Office of the Courts and with other County Administrative Judges who have developed such plans, in an effort to achieve as much consistency and uniformity among the plans as is reasonably practicable, and (B) seek the assistance of the county bar association and such other interested groups and persons as the judge deems advisable.

(7) Information Report

As part of the plan, the clerk shall make available to the parties, without charge, a form approved by the County Administrative Judge that will provide the information necessary to implement the case management plan. The information contained in the information report shall not be used for any purpose other than case management. The clerk of each circuit court shall make available for public inspection a copy of any current administrative order of the Chief Justice of the Supreme Court exempting categories of actions from the information report requirement of Rule 2-111 (a).

(c) Additional Features of Case Management Plan

As part of the case management plan, the County Administrative Judge shall adopt procedures consistent with the Maryland Rules designed to:

(1) eliminate docket calls in open court;

(2) ensure the prompt disposition of motions and other preliminary matters;

(3) provide for the use of scheduling and pretrial conferences, and the establishment of a calendar for that purpose, when appropriate;

(4) provide for the prompt disposition of uncontested and ex parte matters, including referrals to an examiner or magistrate, when appropriate;

(5) provide for the disposition of actions under Rule 2-507;

(6) to the extent permitted by law and when feasible and approved by the presiding judge, provide for non-evidentiary hearings to be conducted by telephonic, video, or other electronic means.;

(7) establish trial and motion calendars and other appropriate systems under which actions ready for trial will be assigned for trial and tried, after proper notice to parties, without necessity of a request for assignment from any party; and

Cross reference: See Rule 16-303 (Motion Day).

(8) establish systems of regular reports that will show the status of all pending actions with respect to their readiness for trial, the disposition of actions, and the availability of judges for trial work.

(d) Case Management Special Magistrate

(1) Generally

The Chief Justice of the Supreme Court may appoint one or more senior judges as case management special magistrates to develop and implement a consolidated case management plan for the prompt and efficient scheduling

and resolution of actions in multiple circuit courts that would benefit from consolidated case management.

Cross reference: See Md. Const. Article IV, § 18 (Powers and Duties of Chief Justice of Supreme Court of Maryland); Rule 16-102 (Chief Justice of the Supreme Court); and Rule 16-108 (Assignment of Judges).

(2) Development and Approval of Consolidated Case Management Plan

The case management special magistrate shall develop for review and approval by the Chief Justice of the Supreme Court one or more consolidated case management plans that identify the actions subject to a plan. In developing, implementing, and monitoring a consolidated case management plan, the case management special magistrate shall consult with the administrative judges in the jurisdictions subject to the consolidated case management plan.

(3) Contents of a Consolidated Case Management Plan

A consolidated case management plan may include provisions pertaining to one or more of the following matters:

(A) appointment of liaison counsel or a steering committee;

(B) scheduling;

(C) pleadings practice;

(D) discovery;

Committee note: A case management special magistrate's role in discovery may include, for example, coordination of discovery among actions pending in multiple jurisdictions, standardization of discovery requests, methods for the conduct of physical and mental examinations and inspection of locations, phasing of discovery, and joint noticing and conduct of single depositions of common witnesses for related cases.

(E) motions practice;

(F) alternative dispute resolution and settlements;

(G) procedures to minimize duplication of proceedings and inconsistency in legal ruling among multiple jurisdictions; and

(H) other provisions as necessary or desirable for the efficient resolution of pending actions.

(4) Implementation of Consolidated Case Management Plan

Upon approval by the Chief Justice of the Supreme Court, the case management special magistrate shall implement the plan. Actions subject to an approved consolidated case management plan are governed by the plan and are not governed by the circuit court case management plan otherwise applicable.

(5) Modification and Termination

Upon recommendation by the case management special magistrate or on the Chief Justice of the Supreme Court's own initiative, the Chief Justice may modify or terminate the appointment of the case management special magistrate or a proposed or implemented consolidated case management plan.

Source: This Rule is derived in part from former Rule 16-202 (2016) and is in part new.

REPORTER'S NOTE

The Child Victims Act of 2023 (Chapters 5/6, 2023 Laws of Maryland (SB 686/HB 1)), among other things, removed the statute of limitations and statute of repose in certain civil actions relating to child sexual abuse. This led to a large volume of actions being filed that had been barred by the statute of limitations or statute of repose, including many claims that were decades old.

Due to the influx of cases under the Child Victims Act of 2023 (the "CVA"), the General Assembly in its 2025 session passed HB 1378, Civil Actions – Child Sexual Abuse (Chapter 104, 2025 Laws of Maryland), which, among other things, "prospectively reduces… the liability limits for previously time-barred child sexual abuse claims under the Maryland Tort Claims Act (MTCA), the Local Government Tort Claims Act (LGTCA), and specified provisions pertaining to local boards of education." The Act also "authorizes the Supreme Court of Maryland to adopt rules to implement the bill's provisions." Fiscal and Policy Note, HB 1378, Enrolled – Revised. This legislation resulted in even more actions being filed under the CVA before the lower liability limits went into effect on June 1, 2025.

The Chief Justice of the Supreme Court has asked the Rules Committee to review Chapter 104 and to consider whether the Maryland Rules should be modified to assist courts with case management functions. The Chair of the Rules Committee formed a Special Subcommittee on Child Victims Act to comply with this request. After several meetings over the summer, including a listening session in May, the Subcommittee proposes revisions to Rule 2-327 to clarify that consolidated trials in addition to consolidated pretrial proceedings are permitted, and to Rule 16-302 to provide for the appointment of a case management special magistrate. These revisions will facilitate the efficient and consistent management of CVA actions in Maryland courts and will provide similar benefits in connection with any future large influx of actions with common issues of law or fact.

Proposed revisions to Rule 2-327 and Rule 16-302 are alternative approaches to the management of cases with common issues of law and fact.

New section (d) of Rule 16-302 is proposed to establish procedures pursuant to which the Chief Justice of the Supreme Court may appoint one or more senior judges to serve as case management special magistrates.

Subsection (d)(1) establishes that a case management special magistrate may be appointed by the Chief Justice of the Supreme Court pursuant to the authority in Article IV, § 18 of the Maryland Constitution - Powers and Duties of Chief Justice of Supreme Court of Maryland; Rule 16-102 (Chief Justice of the Supreme Court); and Rule 16-108 (Assignment of Judges).

Subsection (d)(2) requires a case management special magistrate to develop a consolidated case management plan or plans for the review and approval of the Chief Justice of the Supreme Court and to identify actions subject to the plans. While developing the plan, subsection (d)(2) requires the case management special magistrate to consult with the administrative judges in the jurisdictions subject to a consolidated case management plan.

Subsection (d)(3) contains a non-exclusive list of items that may be appropriate for inclusion in a consolidated case management plan.

Subsection (d)(4) authorizes a consolidated case management special magistrate to implement a consolidated case management plan once the plan is approved by the Chief Justice of the Supreme Court.

Subsection (d)(5) provides that a consolidated case management plan will remain in effect until it is modified or terminated by the Chief Justice of the Supreme Court, either by request of the special magistrate or on the Chief Justice's own initiative.

Stylistic changes are also proposed.